G. R. S. IX-5]

Previous references.

1927.
(Miscl)

File No. 517/19

Serial Nos. Misc pp

Later references.

Secy 254-22-1 to 17
266-27 Misc 1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

Miscellaneous papers regd. in
Corr. with Mardi 5-17-19.
re Khasi act XII of 1880

WD 1888—GPB—16,626—23-7-21

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 9th July 1880, and is hereby promulgated for general information:--

Act No. VII of 1880.

An Act for the appointment of persons to the office of Kazi.

Whereas by the preamble to Act No. I of 1864 (an Act to repeal the law relating to the offices of Hindu and Muhammadan Law Officers and to the offices of Kazi-ul-Kuzaat and of Kazi, and to abolish the former offices) it was (among other things) declared that it was inexpedient that the appointment of the Kazi-ul-Kuzaat, or of City, Town or Pargana Kazis should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said - - Officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India the presence of Kazis appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should - - again be empowered to appoint persons to the office of Kazi; It is hereby enacted as follows:--

Short title. Commencement.

1. This Act may be called the Local Kazis Act, 1880, and it shall come into force at once.

Local extent.

It extends, in the first instance, only to the territories administered by the Governor of Fort St. George in Council. But any other local Government may, from to time, by notification in the Official Gazette, extend it to the whole or any part of the territories under its administration.

Power to Government to appoint Kazis for any local area.

2. Whenever it appears to the local Government that any considerable number of the Mahomedans - -

resident in any local area desire that one or more Kazis should be appointed for such local area, the local Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kazis for such local area.

If any question arises whether any person has been rightly appointed Kazi under this section, the decision thereof by the local Government shall be conclusive.

The local Government may, if it thinks fit, suspend or remove any Kazi appointed under this section who is guilty of any misconduct in the execution of his office, or who is for a continuous period of six months absent from the local area for which he is appointed, or leaves such local area for the purpose of residing elsewhere, or is declared an insolvent, or desires to be discharged from the Office, or who refuses or becomes in the opinion of the local Government unfit, or personally incapable, to discharge the duties of the office.

Naib Kazis.

3. Any Kazi appointed under this Act may appoint one or more persons as his naib or naibs to act in his place in all or any of the matters pertaining to his office throughout the whole or in any portion of the local area for which he is appointed, and may suspend or remove any naib so appointed.

When any Kazi suspended or removed under section 2, his naib or naibs (if any) shall be deemed to be suspended or removed, as the case may be.

Nothing in Act to confer judicial or other powers on Kazi; or.

4. Nothing herein contained shall be deemed to confer on any Kazi or Naib Kazi appointed hereunder--

(a) to confer any judicial or administrative powers on any Kazi or Naib Kazi appointed hereunder; or

(b) to render the presence of a Kazi or a

Naib

to render the presence of a Kazi necessary; or

Naib Kazi necessary at the celebration of any marriage or the performance of any rite or ceremony; or

to prevent any one acting as Kazi.

(c) to prevent any person discharging any of the functions of a Kazi.

(Sd) D.Fitzpatrick,
Secretary to the Govt.of India,
Legislative Department.

(Republished by order of His Grace the Governor in Council.)

(Sd) R.Davidson,
Chief Secretary.

Subsequently extended to:—

Bombay.
Lower Provinces of Bengal.
The Panjab.
Burmah.
Assam.
United Provinces.
Central Provinces.

Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22.

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The following Report of a Select Committee, on the Bill for the appointment of persons to the office of Kazi, was presented to the Council of the Governor-General of India for the purpose of making Laws and regulations on the 2nd July 1880:---

R E P O R T.

We, the undersigned members of the Select Committee to - - which the Bill for the appointment of persons to the Office of Kazi was referred, have the honor to report that we have considered the Bill and the papers noted in the margin.

2. We have in Section 2 restricted the power of the local Government to suspend or remove a Kazi by specifying the circumstances under which that power may be exercised.

3. We have, at the instance of some of the authorities consulted, added a section (3) empowering a Kazi to appoint a Naib and suspend or remove him at pleasure.

There is a precedent for this in Bombay Regulation XVI of 1827, Section 5.

4. It has been urged by some of the authorities consulted that the Act should define the duties of the Kazis to be - - appointed under it, and should give them an exclusive right to perform those duties. Any attempt to do this would, we consider, be altogether outside the scope of the Bill as introduced and referred to us, and would, moreover, give a weight, which they have not at present, to the objections that have been taken to the Bill on the ground that it would practically - - force upon many persons the services of Kazis whom they did not care to employ.

We may add that in many places, owing to the way in which

which the Muhammadan population is split into sects, not always well defined, it would be almost impracticable to confer upon one or more persons a monopoly of the office.

5. We think it is clear that the Bill should be carefully confined to its original object, namely, that of providing Kazis appointed by the Government for those who desire to avail themselves of the services of such a Kazi; and, as it has been suggested to us that a Kazi appointed under the Bill as originally framed might possibly be held to have an exclusive claim to perform the duties of a Kazi and to have a right to restrain others from performing those duties in the local area for which he was appointed, we have added a clause to section 4 to make it clear that he will not.

The result of the Bill as it now stands will be that there will be a Kazi appointed by the Government for those who choose to avail themselves of his services, but that those who prefer to employ any other so-called Kazi will be at liberty to do so.

6. The publication ordered by the Council has been made, except in Assam, Ajmer, the North-Western Provinces and Agore; we do not consider that the changes now made are such as to render republication necessary; and we recommend that the Bill as amended be passed.

(Sd) Sayyad Ahmad.,
Whitley Stokes.

(Sd) D.Fitzpatrick,
Secretary to the Government of India, Legislative Department.

(Republished by order of His Grace the Governor in Council)

(Sd) R.Davidson,
Chief Secretary.

From Secretary for Birar to Resident, Haidarabad, No.77, dated 10th March 1880 (Paper No.1)

" Secretary to Chief Commissioner, Coorg, No.1261-7, dated 6th March 1880, and enclosures (Papers No.2)

" Officiating Secretary to Chief Commissioner, Central Provinces, No.998-44, dated 12th March 1880, and enclosures (Papers No.3)

" Chief Secretary to Government, Madras, No.556, dated 9th March 1880, and enclosures (Papers No.4)

" Do. do. No.638, dated 19th March 1880, and enclosures (Papers No.5)

" Acting Under Secretary to Government, Bombay, No.2158, dated 27th March 1880, and enclosures (Papers No.6)

" Do. do. No.2014, dated 20th March 1880, and enclosures (Papers No.7)

" Chief Secretary to Government, Madras, No.718, dated 30th March 1880, and enclosures (Papers No.8)

" Chief Commissioner, Ajmer-Merwara, No.247, dated 15th April 1880, (Paper No.9)

" Under Secretary to Government, Bengal, No.2061, dated 15th April 1880, and enclosures (Papers No.10)

" Secretary to Government, North-Western Provinces and Oudh, No.300, dated 6th May 1880, (Paper No.11)

" Secretary to Government, Panjab, No,1640, dated 27th April 1880, and enclosures (Papers No.12)

" Chief Commissioner, Ajmer-Merwara, No.681, dated 28th May 1880, and enclosures (Papers No.13)

" Officiating Junior Secretary to Chief Commissioner, British Burma, No.3501 8/8, dated 26th May 1880, and enclosures (Papers No.14)

" Chief Secretary to Government, Madras, No,1845, dated 24th May 1880, and enclosures (Papers No.15)

Wilson's Glossary -

Extract from ~~Khazi~~ (Page 272)

Kazi, Qazee, corruptly, Cazi, Cauzy, Cauzee, Kazy,

(A.) in the Hindu dialects Kazi, Beng, Mar., &c., ( ) A Mohammadan Judge, an Officer formerly appointed by the government to administer both civil and criminal law, chiefly in towns, according to the principles of the Koran: under the British authorities the -- judicial functions of the Kazis in that capacity ceased and, with the exception of their employment as the legal advisers of the courts in cases of Mohammadan law, the duties of those stationed in the cities or districts were confined to the preparation and attestation of -- deeds of conveyance and other legal instruments, and the general superintendence and legalization of the -- ceremonies of marriage, funerals, and other domestic occurrences among the Mohammadans. Bengal Reg. ~~XXIX~~ IX 1793

Page 135 Vol.IX Part II Bombay Gazetteer (1899)

The Registrar.

Under Mohomadan rule the Khazi was the Civil and Criminal Judge. Now except that he reads the public prayers on the days of the Ramzan and Bakri feasts, he is little more than a Registrar of Marriages and divorces In spite of the loss of his most important functions, the Khazi holds a high place in the Musalman Community.*

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* Note:-- The Office of Khazi is elective in Suart and Broach and hereditary at Ahmedabad.

Page.131.

To meet the cost of repairs lighting and the beadle's pay, most mosques have some small endowment the rent of lands, houses or shops. These funds are entrusted to some member of the congigation generally of good family and portion known as the Mutvalli or Guardian.

Page.132.

Religious Officers:--

Besides the beadle, ~~Niafawar,~~ Mujawar and mosque Guardian Mutavalli, ~~fine~~ five officers Viz.,

the priest--Mulla

the preacher- Khatib.

among the ~~Heads~~ Shaks. - the singer of elegies- the Civil Judge Khazi- are entrusted with religious duties.

Law ~~Officer~~ professor & Dr of Branch

- Mantri -